

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

WHITNEY DESIGN, INC.  
a Missouri Corporation,

Plaintiff,

v.

B & R PLASTICS, INC.  
a Colorado Corporation,

Defendant.

Case No. 08-CV-1140

**MOTION TO DISMISS WITH PREJUDICE**

COMES NOW the parties, Whitney Design, Inc. ("WDI") and B & R Plastics, Inc. ("B & R"), by and through their attorneys, and state that pursuant to a settlement WDI dismisses its complaint against B & R with prejudice, and B & R dismisses its counterclaims against WDI with prejudice.

Respectfully Submitted,

**B&R MANUFACTURING INC.**

By: 

Eric G. Fischer  
FISCHER & FISCHER  
125 South Howes Street - Ste 900  
Fort Collins, Colorado 80521  
(970) 482-4710

*Attorney for Defendant*

Date: SEPTEMBER 2, 2009

**WHITNEY DESIGN, INC.**

By: 

McPherson D. Moore, E.D. Mo. # 3890  
Polster, Lieder Woodruff & Lucchesi, L.C.  
12412 Powerscourt Rd., Ste. 200  
St. Louis, Missouri 63131  
(314) 238-2400

*Attorney for Plaintiff*

Date: Sept. 2, 2009